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Message Text

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ACTION EA-12

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E.O. 11652: N/A
TAGS: SHUM, PGOV, TH
SUBJECT: RTG TO BRING 18 OCTOBER 6 DETAINEES TO TRIAL

SUMMARY: THE MILITARY JUDGE ADVOCATE GENERAL HAS FINALLY COMPLETED CONSIDERATION OF EVIDENCE COMPILED IN CONNECTION WITH THE 74 PERSONS WHO WERE ACCUSED OF CRIMINAL BEHAVIOR DURING THE EVENTS OF OCTOBER 6, 1976 AT THAMMASAT UNIVERSITY. CHARGES HAVE BEEN DROPPED AGAINST 56 OF THEM AND THE REMAINING 18 WILL FACE SERIOUS CHARGES OF TREASON, COMMUNISM AND LESE MAJESE AMONG OTHERS. THE DEFENDANTS WILL BE TRIED BY A MILITARY COURT. UNDER MILITARY COURT PROCEDURES DEFENDANTS ARE NEITHER PERMITTED NOR PROVIDED DEFENSE COUNSEL. TRAIL WILL BE OPEN WITH EMBASSY OBSERVER ALLOWED. END SUMMARY.

1. THE MINISTRY OF DEFENSE JUDGE ADVOCATE GENERAL ANNOUNCED TODAY THAT 18 OUT OF THE 74 STUDENTS AND OTHERS WHO WERE BEING INVESTIGATED FOR CRIMINAL CHARGES ARISING FROM THE INCIDENT AT THAMMASAT LAST OCTOBER WOULD BE CHARGED AND BROUGHT TO TRIAL BEFORE A MILITARY COURT. THE CHARGES AGAINST THE 18 INCLUDE COMMUNISM, TREASON, ATTEMPTED MURDER OF GOVERNMENT OFFICIALS, RIOTING AND LESE MAJESTE. THE CRIMES IN QUESTION CARRY SEVERE PENALTIES, INCLUDING LIFE IMPRISONMENT AND DEATH.
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2. UNDER MARTIAL LAW AND IN ACCORDANCE WITH NATIONAL ADMINISTRATIVE REFORM COUNCIL ORDERS, NO COUNSEL IS PERMITTED FOR DEFENDANTS FACING CHARGES RELATING TO NATIONAL SECURITY. THERE WILL BE A MILITARY PROSECUTOR AND A COURT OF THREE MILITARY OFFICERS, ONE OF WHOM WILL BE A LAWYER. THE DEFENDANT AND THE THREE JUDGES

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MAY CROSS EXAMINE THE WITNESSES, WHO WILL NUMBER
ABOUT 200 ACCORDING TO PRESS REPORTS. EMBASSY OFFICIALS
HAVE BEEN TOLD BY BOTH JAG AND PUBLIC PROSECUTOR
THAT THE PRESS AND PUBLIC MAY ATTEND AND, AS INDICATED IN
EARLIER REPORTING, AN EMBASSY OFFICER CAN BE PRESENT
TO OBSERVE.

3. ACCORDING TO OFFICIALS AT THE JAG OFFICE, THE CASE
WILL BE SENT TO THE COURT THURSDAY, AUGUST 25. THEY
EXPECT THE TRIAL TO COMMENCE SEPT. 5.

4. FOR THE DEPARTMENT'S INFORMATION, THE FOLLOWING LAWS
AND ORDERS PROVIDE THE FRAMEWORK FOR THE CONDUCT OF THE
TRIAL. NARC ORDER 1 OF OCT. 6, 1976 STATES THAT NATIONAL
SECURITY OFFENSES ARE UNDER THE JURISDICTION OF MILITARY
COURTS. NARC ORDER 29 STIPULATES THAT NO APPEAL BE
BE PERMITTED FOR CRIMES LISTED UNDER NARC ORDER 1 AND
THAT NO DEFENSE COUNSEL BE PERMITTED FOR OFFENSES RELATING
TO THE SECURITY OF THE KINGDOM AND OFFENSES AGAINST THE
ROYAL FAMILY.

5. COMMNET: THE RTG NO DOUBT BELIEVES THAT IN WEIGHING
THE EVIDENCE AT LENGTH, PROCEEDING CAUTIOUSLY
IN TERMS OF NUMBERS CHARGED AND ACTING IN ACCORDANCE
WITH APPLICABLE NARC ORDERS, IT HAS MOVED JUDICIOUSLY
AND WITH FULL REGARD TO DUE PROCESS AND THE HUMAN RIGHTS
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OF THE ACCUSED. HOWEVER, COURT PROCEDURES OUTLINED
ABOVE ABVIOUSLY FALL SHORT OF GENERALLY ACCEPTED
CONCEPTS OF DUE PROCESS. THIS IS PARTICULARLY TRUE
GIVEN LIKELIHOOD THAT THE SERIOUS CHARGES INVOLVED
WILL RESULT IN HEAVY SENTENCES FOR AT LEAST SOME OF
THOSE CONVICTED.

6. IF DEPARTMENT CONCURS, RECOMMEND THAT WE EXPRESS OUR
SERIOUS CONCERNS TO RTG BOTH HERE AND IN WASHINGTON.
O'DONOHUE

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